

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

DAVID J. LEE,
Plaintiff,

v.

Civil No. 3:23cv555 (DJN)

DEPUTY SMITH,
Defendant.


MEMORANDUM OPINION

Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current allegations failed to provide the defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on February 14, 2024, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. (ECF No. 6.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action. (*Id.*)

More than thirty (30) days have elapsed since the entry of the February 14, 2024 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond to the February 14, 2024 Memorandum Order. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Final Order will accompany this Memorandum Opinion.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to Plaintiff.

/s/ 

David J. Novak
United States District Judge

Richmond, Virginia
Dated: March 22, 2024